

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. 98-107

FOR
GABRIEL AND ZILHA CASILLAS FAMILY 1990 REVOCABLE TRUST;
COZZ'S EUROPEAN CAR CENTER;
MICHAEL AND RENA COZZITORTO, INDIVIDUALS;
DRA CORPORATION;
K&M INDUSTRIES, INC.;
KELBRO CORPORATION;
LAURELWOOD INVESTORS;
LUKENBILL ENTERPRISES, INC.;
JAMES AND DELLA MESSNER, INDIVIDUALS;
PACIFIC COAST WASTEPAPER;
SACRAMENTO FORD TRACTOR CO.;
SACRAMENTO UTILITIES SUPPLY CO.;
SKY KING, INC.

FORMER 14TH AVENUE LANDFILL - EAST PIT
SACRAMENTO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. From 1968 to 1975, Walker and Donant operated the 14th Avenue Landfill under existing waste discharge requirements (WDRs) Order No. 71-204. The facility consisted of two separate unlined landfills on the east and west halves of the site, respectively. After landfilling operations ceased in 1975, the site was subdivided into parcel lots and each lot sold. The parcels corresponding to the East Pit Landfill area are or were previously owned by the above-named, hereafter jointly referred to as the Discharger. Ground water monitoring results indicate the presence of waste constituents from the landfill and the need for corrective action. This Order pertains to the parcels on the east half of the site only.
2. The facility is in the City of Sacramento along 14th Avenue, approximately 1,000 feet west of Power Inn Road, in Section 15, T8N, R5E, MDB&M, as shown in Attachment I: Location Map, a part of this Order. The site is divided in half by a Southern Pacific Railway right-of-way, running diagonally across the site in a northwest-southeast direction, as shown in Attachment II: Site Map, a part of this Order. There are eleven parcel lots on the eastern half of the site comprising a total of about 35 acres of the total site area (approximately 53 acres excluding the railroad right-of-way). The Assessor's Parcel Numbers of the lots on the east side are APNs 079-0300-006 & 079-0300-0021 (K&M Industries, Inc., Kelbro Corporation, James and Della Messner), APNs 079-0300-009 & 079-0300-0018 (Sacramento Utilities Supply Co.), APN 079-0300-012 (Pacific Coast Wastepaper Inc., Gabriel and Zilha Casillas Family 1990 Revocable Trust), APN 079-0300-014 (Sacramento Ford Tractor Co.), APN 079-0300-015 (Cozz's European Car Center, Michael and Rena Cozzitorto), APN 079-0300-016 (DRA Corp.), APN 079-0300-017 (Laurelwood Investors), and APNs 079-0300-022 & 079-0300-023 (Sky King, Inc., Lukenbill Enterprises Inc.).

3. Waste disposed of at the facility was primarily construction and demolition debris (if the landfill were in operation today, it would be considered a "limited Class III" facility). The WDRs limited disposal to "paper, demolition, construction, and land clearance materials", in addition to inert wastes. Prior to becoming a landfill the facility was a gravel quarry.
4. No final cover or drainage controls were installed by the former landfill operator before the land was subdivided and sold.
5. Effective 18 July 1997, the water quality regulations for Class II and Class III disposal facilities formerly contained in *Chapter 15, Title 23, California Code of Regulations (CCR)*, and the solid waste regulations, formerly in *Title 14, CCR*, were consolidated and recodified as *Chapters 1 through 7, Subdivision 1, Division 2, Title 27, CCR*. *Chapter 15, Title 23, CCR*, therefore, no longer applies to this facility.
6. The depth to ground water varies from 35 to 60 feet below ground surface (bgs) depending on the location. The beneficial uses of the ground water in the Sacramento River Basin are municipal and domestic, agricultural, industrial service, and industrial process supply.
7. There are two downgradient wells on the east half of the site (PCW-1 and RFA) corresponding to the shallow and deep aquifers, respectively. Well KM-4, approximately 500 feet north of the East Pit Landfill, is a background well. The well locations are shown in Attachment II: Site Map.
8. The ground water beneath the site appears to have been impacted by wastes from the former landfill operations. Low levels of volatile organic compounds (VOCs) have been detected in wells on both the east and west halves of the site. For example, cis 1,2 dichloroethylene (DCE), trans DCE, and trichloroethene (TCE) have been detected up to 4, 5 and 9 ppb, respectively in well KM-4. Elevated levels of total dissolved solids (TDS) have also been detected, including TDS up to 1,100 ppm in well PCW1, compared to 250 - 460 ppm upgradient in KM-4.
9. In 1992, the Board adopted Cleanup and Abatement Order No. 92-706, which required the parcel owners of both halves of the site to investigate, clean up, and close the site. The owners subsequently formed Power Inn Associates, Inc. (PIA), which entered into a 24 September 1992 Consent Agreement with the Board agreeing to perform the tasks outlined in the C&A, which was then rescinded. Pursuant to the Consent Agreement, PIA prepared a 24 January 1994 *Final Closure Plan (FCP)*, describing closure activities to be completed on the west and east halves of the site, including capping, grading, and the installation of drainage controls. None of these closure measures have yet been implemented on the east half of the site.
10. The presence of VOCs and other landfill waste constituents in the ground water constitutes evidence of a release as described in Section 20420 of Title 27. Section 20430 of Title 27 requires the Discharger to take corrective action to remediate releases and to achieve concentration limits at all monitoring points throughout the zone affected by the release. Closure of the landfill may be considered as a corrective action, however, continued monitoring is required to demonstrate that this corrective action will lead to a condition in which the concentrations of waste constituents in ground water are reduced to levels which are below concentration limits.
11. Section 13304 (a) of the CWC states:

Any person who . . . has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

12. The discharge of waste constituents from the former landfill into the ground water that exceeds water quality objectives as specified in the Board's *Water Quality Control Plan For The Sacramento River And San Joaquin River Basins, Third Edition* (Basin Plan) constitutes a Apollution≡ as defined by the California Water Code (CWC). Without completing closure measures such as capping, grading and drainage control, there is a potential for surface and storm waters to percolate through the landfill wastes and enter into the ground water. The failure to implement these measures therefore constitutes a threatened pollution pursuant to Water Code Section 13304.
13. CWC Section 13267 further states:
 - (a) *A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.*
 - (b)(1) *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.*
14. Concentration Limits for VOCs are currently at detection limits. When corrective action is implemented at the site, the Board may raise the concentration limits to equal the concentrations currently found in the groundwater, provided they do not exceed California and Federal MCLs or other applicable water quality objectives. Because the levels of waste constituents detected in the ground water are relatively low, it is expected that the Discharger will be able to achieve these concentration limits by closing the site. The FCP may therefore also serve as the Corrective Action Plan (CAP).
15. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), pursuant to Section 15321(a), Title 14, California Code of Regulations

16. Any person adversely affected by this action of the Board may petition the State Water Resources control Board within 30 days of the date on which the Board took action. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the Gabriel and Zilha Casillas Family 1990 Revocable Trust; Cozz's European Car Center, Inc.; Michael and Rena Cozzitorto; DRA Corp.; K&M Industries, Inc.; Kelbro Corporation; Laurelwood Investors; Lukenbill Enterprises, Inc.; James and Della Messner; Pacific Coast Wastepaper Inc.; Sacramento Ford Tractor Co.; Sacramento Utilities Supply Co.; and Sky King, Inc. shall cleanup or abate the discharge of waste as follows:

1. Implement the Final Closure Plan (FCP) as a corrective action on the parcels of the eastern half of the site corresponding to the former East Pit Landfill area.
2. Conduct semi-annual (Spring and Fall) ground water monitoring and reporting for the constituents of concern, including volatile organic compounds and TDS, beginning with the **first semester of 1998** and continuing throughout the closure/post-closure/corrective action period. One of the monitoring events each year shall be representative of dry season conditions and the other representative of wet season conditions.
3. Install any additional ground water monitoring wells necessary to adequately monitor the contaminant plume and the progress of corrective action.
4. Submit technical plans for approval and monitoring reports for review, as specified below:
 - a. By **30 June 1998**, submit a list of tasks and schedule to complete implementation of the FCP/CAP on the eastern half of the site pursuant to Order 1 herein.
 - b. Beginning with the **second half of 1998**, submit progress reports on the implementation of the FCP/CAP, pursuant to Order 1 herein.
 - c. By the 15th day of the month following the sampling period, beginning with the **first half of 1998**, submit ground water monitoring reports pursuant to Order 2 herein. The reports shall include summary tables of water quality data, a narrative of the data, and an adequate site map showing the landfills and well locations. The information requested in Order 4 (b) may be included in the monitoring reports.
5. By **1 August 1998**, begin implementation of the remaining closure and site mitigation activities for the eastern half of the site, as described in the FCP/CAP.
6. By **1 November 1999**, complete closure of the eastern half of the site; adequately mitigate the threat to water quality from the landfill wastes.
7. By **1 January 2000**, pursuant to Section 20420 of Title 27, remediate groundwater as necessary to achieve concentration limits at the points of compliance.

8. Each parcel owner shall allow reasonable lot access, as necessary, for the implementation of work required under this Order, including, but not necessarily limited to, closure, cleanup, well installation, and monitoring.

Order Nos. 1 through 6 above shall be conducted under the direction of a California Registered Civil Engineer, Certified Engineering Geologist, or Registered Geologist experienced in the area of ground water and soil cleanup.

It is further ordered, pursuant to CWC Section 13304, that by **30 May 1998**, the Discharger shall submit the one name and address to be used for billing purposes for reimbursement of the Regional Board for reasonable costs associated with oversight of the cleanup of this facility. Failure to reimburse the Regional Board for reasonable oversight costs shall be considered a violation of this Order.

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 17 April 1998.

GARY M. CARLTON, Executive Officer

JDM

AMENDED 4/17/98